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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOSE BUENROSTRO, SR., et al.,

CASE NO. 009-00786 JSW

Plaintiffs,

**STIPULATION AND PROPOSED ORDER
EXTENDING TIME FOR TAKING
DEPOSITIONS OF LAY WITNESSES**

VS.

CITY OF OAKLAND, et al.

Defendants.

This action arises from the shooting death of a fourteen year old boy, Jose Buenrostro, Jr., on March 19, 2008, by Oakland police officers in Oakland, California. Plaintiffs, the Decedent's parents, sue for violation of civil rights (42 U.S.C. section 1983) on the grounds that the shooting was unreasonable. Defendants City of Oakland and three involved police officers claim that the shooting was justified.

The parties of this action, by and through their respective counsel, do hereby move this Court for an extension of time in which to complete the depositions of certain non-party witnesses. This court's case management order sets a discovery cut-off date of January 18, 2010. The parties have

1 attempted in good faith to complete all discovery of lay witnesses before that date. The parties have
2 taken the depositions of six non-party lay witnesses and expect to complete the depositions of all
3 named parties before the discovery cut-off date. However, there still remain several law witnesses
4 who have not yet been deposed. Due to scheduling conflicts of counsel, it is not feasible for these
5 witnesses to be deposed before January 18 and the parties therefore request a 30 day extension in
6 which to take such depositions.
7

8 The parties seek additional time to depose the following witnesses: Ricky Pedroza, Maria
9 Pedroza, Mrs. Leotis Williams, Terrell Wright, Cheyenum Bynum, Tonisha Marshall, "Granny"
10 Harrell, Patricia Tubbs, Abdo Mohammed and Mr. Mohammed's nephew. The last four such
11 witnesses were only discovered within the past few days. In addition, the parties just learned at
12 deposition that a security camera belonging to a corner market may have recorded the shooting, and
13 that the video was reportedly taken by the police at the time of the shooting and has never been
14 disclosed to either counsel in this case. The video camera belonged to the owner of the store, Mr.
15 Abdo Mohammed, and the parties would like to depose him about the matter.
16

17 A brief of extension of time in which to complete depositions would serve the interests of
18 justice. It would enhance the prospects of settlement by allowing the parties to more intelligently
19 evaluate the case. No parties would be prejudiced by such a brief extension. Nor would any other
20 dates set by the court in this action need to be modified. Therefore, the parties respectfully request an
21 extension of 30 days in which to complete such depositions, i.e., until February 17.
22

23 Dated: January 13, 2010

LAW OFFICE OF JOHN L. BURRIS

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25
26 /s/ Steven R. Yourke
27 Steven R. Yourke
28 John L. Burris
Attorney's for Plaintiffs

1 Dated: January 13, 2010

OAKLAND CITY ATTORNEY

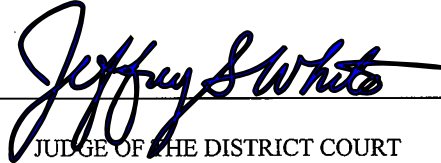
2
3
4 /s/ Jennifer Logue
5 Jennifer Logue,
6 Deputy City Attorney
7 Attorney for All Defendants

8 **ORDER**

9 **IT IS HEREBY ORDERED** that the parties request to extend the fact discovery deadline 30-
10 days to February 18, 2010 for the purpose of taking depositions is GRANTED.

11 IT IS SO ORDERED.

12
13 Dated: January 14, 2010

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16 JUDGE OF THE DISTRICT COURT